

REMARKS/ARGUMENTS

By this paper, claims 1 and 15-17 are being amended. Claim 9 is being canceled. The remaining claims are unchanged.

Support for the amendments may be found at lines 32-34 on page 20 of the specification.

A. Claim 1 Rejected Under 35 U.S.C. § 102(b)

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0163741 (hereinafter, "Shibazaki"). Applicant respectfully requests reconsideration in view of the above claim amendments and the following remarks.

Shibazaki discloses in Figs. 45 and 46 an optical element holding device including a frame 124, a lens frame 122, which holds an optical element 38, a rigid body 142 connecting the frame 124 and the lens frame 122, and a length adjusting mechanism 143 arranged at the middle of each rigid body 142.

However, Shibazaki does not disclose a feature of claim 1 as amended, namely, "a parallel link portion connected to the frame member and the displacement portion and configured to guide the displacement portion in the direction intersecting with an optical axis of the optical element." Hence, the noted feature of claim 1 is a distinction over Shibazaki.

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. In view of the distinction of claim 1 noted above, at least one claimed element is not present in Shibazaki. Hence, Shibazaki does not anticipate claim 1. Accordingly, withdrawal of the rejection is respectfully requested.

For at least the foregoing reasons, Applicant respectfully submits that claim 1 is allowable.

B. Claims 1-13, 15-17 and 20-24 Rejected Under 35 U.S.C. § 103(a)

Claims 1-13, 15-17 and 20-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0070852 to Omura et al. (hereinafter, "Omura")

in view of Shibazaki. Applicant respectfully requests reconsideration in view of the above claim amendments and the following remarks.

Omura et al. discloses in Figs. 14a and 14b a structure that translates and tilts lens elements and lens assemblies. In an embodiment of Fig. 14a, three adjustment rods 341 protrude from a lens holder 340. A vertical drive mechanism 343 is attached to each of the three adjustment rods 341, which pass through the side wall of the lens barrel unit 342. In an embodiment of Fig. 14b, the lens holder 340 is provided with X shafts 345 that extend in the +X direction and the -X direction. The X shafts 345 are pivoted by an intermediate barrel 346, which is provided with Y shafts 347 that extend in the +Y direction and the -Y direction. The Y shafts 347 are pivoted by the barrel unit 342. Rotational drive mechanisms 348 are attached to the X shafts 345 and the Y shafts 347.

However, Omura et al. does not disclose a feature of claim 1 as amended, namely, "a parallel link portion connected to the frame member and the displacement portion and configured to guide the displacement portion in the direction intersecting with an optical axis of the optical element." Hence, the noted feature of claim 1 also is a distinction over Omura et al.

As discussed above in response to the § 102 rejection, the noted feature of claim 1 is a distinction over Shibazaki. Accordingly, the noted feature of claim 1 is a distinction over both of Omura et al. and Shibazaki, and thus over their combination.

For at least the foregoing reasons, Applicant respectfully submits that claim 1 is allowable. Claims 2-8, 10-13, 15-17 and 20-24 depend from claim 1, and are therefore allowable for at least the same reasons.

C. Allowable Subject Matter

Applicant thanks the Examiner for indicating that claims 14, 18 and 19 include allowable subject matter.

Appl. No. 10/584,177
Amdt. dated June 29, 2009
Reply to Office Action of February 27, 2009

D. Conclusion

Applicant respectfully asserts that all pending claims are allowable over the cited references, and request that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

/Thomas M. Hardman/

Thomas M. Hardman
Reg. No. 51,777
Attorney for Applicant

Date: June 29, 2009

AUSTIN RAPP & HARDMAN
170 South Main Street, Suite 735
Salt Lake City, Utah 84101
Telephone: (801) 537-1700